

DEC 15 2005

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HECTOR SALVADOR MENDEZ-
VARGAS,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 03-74363

Agency No. A79-777-969

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted December 5, 2005^{**}

Before: GOODWIN, TASHIMA and FISHER, Circuit Judges.

Hector Salvador Mendez-Vargas, a native and citizen of Mexico, petitions
for review of a Board of Immigration Appeals' ("BIA") order summarily

^{*} This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

affirming an immigration judge's ("IJ") order denying his application for cancellation of removal. We dismiss the petition for review.

We lack jurisdiction to consider Mendez-Vargas' challenge to the IJ's determination that he failed to establish exceptional and extremely unusual hardship to his United States citizen daughter. *See Romero-Torres v. Ashcroft*, 327 F.3d 887, 892 (9th Cir. 2003).

The voluntary departure period was stayed, and that stay will expire upon issuance of the mandate. *See Desta v. Ashcroft*, 365 F.3d 741 (9th Cir. 2004).

PETITION FOR REVIEW DISMISSED.